



ORIGINAL

U.S. Department of Justice

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April 13, 2001

Ronald S. Tillman  
Reg. No. 85375-071  
FCI Edgefield, Unit 3-C  
Post Office Box 724  
Edgefield, S.C. 29824

FILED  
RECEIVED  
HARRISBURG, PA  
APR 13 2001  
MARY E. D'ANDREA CLERK  
Per *[Signature]*

Re: Tillman v. Romine, et al.  
M.D. Pa. Civil No. 1:CV-00-2041; USDC

Dear Mr. Tillman:

*J. Dambro/M.G. Smyth*

I am in receipt of the Court's Order dated April 11, 2001, granting your motion for an enlargement of time to file an amended complaint. I was surprised to receive this order because I was unaware that you had filed such a motion. Upon review of the docket, I realized that you had not served me with your Motion for Leave to File an Amended Complaint filed on January 10, 2001, or your Motion to Enlarge Time to Amend Complaint filed on February 13, 2001.

As I am sure you are aware, you are required to serve me with a copy of every document you file with the court. This service requirement is set forth in the Federal Rules of Civil Procedure, the Local Rules, and the Court's Standing Practice Order. Specifically, the pertinent sections of Fed.R.Civ.P. 5 states:

- (a) **Service: When required.** Except as otherwise provided in these rules, ... every pleading subsequent to the original complaint unless the court otherwise orders because of numerous defendants, every paper relating to discovery required to be served upon a party unless the court otherwise orders, every written motion other than one which may be heard ex parte, and every written notice, appearance, demand, offer of judgment,

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designation of record on appeal, and similar paper  
shall be served upon each of the parties . . . .

- (b) **Same: How Made.** Whenever under these rules service is required or permitted to be made upon a party represented by an attorney the service shall be made upon the attorney unless service upon the party is ordered by the court....

Additionally, the pertinent section of the Standing Practice Order states:

A moving party is **required** by Local Rule 7.2 to serve copies of his or her respective papers upon the opposing party.

Local Rule 7.2, in turn, states the following:

The movant and respondent shall serve copies of their respective papers upon the opposing party at the time such papers are filed with the clerk.

Accordingly, I request that you send me a copy of your Motion for Leave to File an Amended Complaint and your Motion to Enlarge Time to Amend Complaint so that my records are complete. Additionally, please do not fail to serve me with any documents in the future. Should you fail to serve me again, I will have to seek the appropriate order and/or sanctions from the Court.

So that the Court is aware that I have not received your recent motions, I am filing a copy of this letter with the Court.

Sincerely,

DAVID M. BARASCH  
United States Attorney

  
KATE L. MERSHIMER  
Assistant U.S. Attorney

cc: Clerk of Court, M.D.Pa. (three copies)